

REMV

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Noteworld, LLC*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

MARK BERNSTEIN, an individual;

**Plaintiff,**

VS.

NOTEWORLD, LLC, a Foreign Limited Liability Company; SALVADOR RODRIGUEZ, an individual; DOES I - X, inclusive; and ROE CORPORATIONS I - X, inclusive.

## Defendants.

Case No.:

**DEFENDANTS' PETITION**  
**FOR REMOVAL OF CIVIL ACTION**

(Formerly Case No. A596386 in the  
Eighth Judicial District Court,  
Clark County, Nevada)

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA:

The removing party Noteworld, LLC ("Noteworld"), respectfully shows:

1. Noteworld is a Defendant in the above-entitled action.

1       2. That the above-entitled action was commenced in the Eighth Judicial District  
2 Court of the State of Nevada, in and for the County of Clark, and is now pending in that Court  
3 under the designated Case No. A596386, Department IX.  
4

5       3. On or about July 30, 2009, Plaintiff Mark Bernstein filed a Complaint, against  
6 Defendants Noteworld, LLC and Salvador Rodriguez.

7       4. Service of Summons and Complaint upon Noteworld was effectuated by  
8 personal service on September 29, 2009. Plaintiff's sole cause of action was for Quiet Title  
9 pursuant to NRS 40.010.  
10

11       5. On October 20, 2009, Noteworld filed a Motion to Dismiss, or in the alternative,  
12 Motion for Summary Judgment ("Motion to Dismiss").  
13

14       6. On November 9, 2009, Plaintiff filed an Opposition and Counterclaim for Leave  
15 to File an Amended Complaint.  
16

17       7. On November 20, 2009, Noteworld filed a Reply in Support of the Motion to  
18 Dismiss and Opposition to Plaintiff's Countermotion for Leave to File and Amended  
19 Complaint.  
20

21       8. A hearing was held on November 24, 2009 on all pending motions. The Court  
22 having considered the Motion, Opposition and Countermotion, Reply and Opposition, and  
23 arguments of counsel under NRCP 56 and good cause appearing, granted Noteworld's Motion  
24 to Dismiss In Part, and granted Plaintiff leave to amend the complaint. The Order was signed  
25 by the Court on January 19, 2010.  
26

27       9. On February 9, 2010, Noteworld filed a Motion for Attorney's Fees and Costs.  
28 A hearing is scheduled for March 18, 2010 in chambers.  
29

1       10. On February 16, 2010, Plaintiff filed his First Amended Complaint to Quiet  
2 Title to Real Property and For Damages (“Amended Complaint”). The Amended Complaint  
3 was received by counsel for Noteworld on February 17, 2010.  
4

5       11. On March 4, 2010, Plaintiff filed his Opposition to Noteworld’s Motion for  
6 Attorney’s Fees and Costs and Counterclaim for an Enlargement of Time to Serve Plaintiff’s  
7 First Amended Complaint. Said Opposition was faxed to counsel for Noteworld on March 7,  
8 2010.  
9

10      12. The Plaintiff pled both state and federal law claims in the Amended Complaint.  
11 Specifically, the Amended Complaint alleges that Noteworld violated 15 U.S.C. § 1692(e), 15  
12 U.S.C. § 1692(f), and NRS 598.0915.  
13

14      13. This Court has original jurisdiction over the subject matter of this action under  
15 the provisions of Section 1331 of Title 28 of the United States Code in that it is an action  
16 arising under 15 U.S.C. § 1692. The state law claims fall under this Court’s supplemental  
17 jurisdiction under 28 U.S.C. § 1337 because the state and federal claims are part of the same  
18 transaction. Pursuant to Section 1441(c) of Title 28 of the United States Code, Noteworld is  
19 therefore entitled to remove this action to this Court.  
20

21      14. The unknown defendants, DOES I – X and ROE CORPORATIONS I – X need  
22 to be joined in the petition for removal. *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1213  
23 (9th Cir. 1980).  
24

25      15. Defendant has not yet responded to the Amended Complaint. Thirty (30) days  
26 have not elapsed since Defendant received a copy of the Amended Complaint. See 28 USC §  
27 1446(c).  
28

16. Copies of all process, pleadings, and other orders related to this action are attached hereto.

17. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Eighth Judicial District Court of the State of Nevada, Case No. A596386, Department IX.

WHEREFORE, Petitioner prays that this action be removed.

DATED this 17<sup>th</sup> day of March, 2010.

## THE COOPER CASTLE LAW FIRM, LLP

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of March, 2010, I served a true and correct copy of the foregoing DEFENDANT'S PETITION FOR REMOVAL OF CIVIL ACTION, via First Class U.S. Mail, postage pre-paid, to the party listed below:

Malcolm P. LaVergne, Esq.  
The LaVergne Law Group  
320 East Charleston Blvd., Suite 203  
Las Vegas, NV 89104  
Attorney for Plaintiff

*/s/ Nora Chirinos*

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